

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE COMMITTEE ON APPROPRIATIONS RULES OF PROCEDURE

Mrs. MURRAY. Mr. President, consistent with Standing Rule XXVI, I ask unanimous consent that the rules of procedure of the Committee on Appropriations for the 118th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON APPROPRIATIONS COMMITTEE RULES—118TH CONGRESS

I. MEETINGS

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of staff members at closed sessions of the Committee shall be limited to those members of the Committee staff who have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARINGS

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by Senators at full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriations bill is hereby

authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriations bill.

IX. EX OFFICIO MEMBERSHIP

The Chairman and Ranking Minority Member of the full Committee are ex officio members of all subcommittees of which they are not regular members but shall have no vote in the subcommittee and shall not be counted for purposes of determining a quorum.

CONFIRMATION OF DANIEL CALABRETTA

Mr. DURBIN. Mr. President, today, the Senate voted on the nomination of Judge Daniel Calabretta, who has been nominated to the U.S. District Court for the Eastern District of California. Born in Union City, TN, Judge Calabretta received his bachelor's degree, summa cum laude, from Princeton University, and his J.D., magna cum laude, from the University of Chicago.

After clerking for the late U.S. Supreme Court Justice John Paul Stevens and working in private practice for 3 years, Judge Calabretta spent the majority of his legal career—15 years in public service in California. As the Deputy Legal Affairs Secretary for California Governor Jerry Brown, Judge Calabretta advised officials on executive orders following emergency declarations. He then went on to work for the California Department of Justice, where he defended the Attorney General and other State officials in litigation on a variety of matters in Federal and State court. In 2019, Judge Calabretta was appointed to the California Superior Court as a Juvenile Court judge, where he has presided over approximately 200 bench trials.

The American Bar Association rated Judge Calabretta as unanimously "well qualified," and he has the strong support of Senators FEINSTEIN and PADILLA.

In addition to his qualifications and deep ties to the California legal community, Judge Calabretta will be the first openly LGBTQ+ person to serve on U.S. District Court for the Eastern District of California.

I thank my colleagues for confirming him.

UKRAINE

Mr. GRASSLEY. Mr. President, I would like to expand on my recent comments on the need to stand up to Putin to prevent future aggression and the death and suffering it causes. Specifically, I would like to address the calls from well-meaning people for a diplomatic solution.

Many people understandably want an end to the killing in Ukraine. I certainly do. So why not sit down and talk? As I have said before, we tried that after 2014, and it didn't work. We ended up with a full-scale invasion a year ago.

More fundamentally, it is important to consider what there is to negotiate

over. To start with, what is the nature of the disagreement? In other words, assuming you could get Putin or his representative to a negotiating table, what are the opposing positions and the potential middle ground?

Vladimir Putin has continued to repeat his original stated war aims, "demilitarization and denazification." Denazification in the context Putin uses it clearly means regime change. It is pretty clear that Putin thought he could take out the current elected government and install a puppet regime. President Biden publicly released the intelligence we had to that effect before the war began, which I think was a smart move.

Demilitarization means that Ukraine has to give up its right to defend itself, allowing Russia a free hand to intervene with force if Ukraine ever again tries to assert its right to act independently of Russia.

Obviously, President Zelenskyy cannot ever agree to meet those two demands. No President of a sovereign country could. Of course, in Putin's mind, Ukraine is not a sovereign country. That is the problem. Putin repeats a false version of history that says Ukraine is an artificially created country and rightfully part of Russia.

Ukraine has a long history of independence before it was ever conquered by Russia, in fact long before Russia even existed. But, for decades, Putin has pushed a warped, imperialistic view of history that is all too common among Russians.

When Putin repeatedly invokes Peter the Great, we should be concerned. Remember, Peter the Great was a Russian expansionist emperor who conquered lands like Finland and the Baltics from Sweden.

It may be comforting to buy into Putin's propaganda that he feels concern for the people in parts of Ukraine where they speak Russian and that perhaps those people want to be Russian. That makes his motives seem like they might have some justification. It also lulls us into the belief that Putin will be appeased once he cleaves off a chunk of eastern Ukraine. There is absolutely no reason to believe that, nor has Putin actually said that. The Russian Federation in its current borders has subsumed many non-Russian ethnicities and languages from past imperial conquests. Not speaking Russian never stopped them before.

In 1939, the Soviet Union attacked Finland in the Winter War despite its language and culture being very, very different from Russia. It was a nakedly imperial quest to reconquer lost territory of the Russian empire. Finland fought back and kept its independence, but Russia kept a big chunk of Karelia. This is an area that spoke a dialect of Finnish and was not historically Russian in any deep cultural or linguistic sense. Sadly today, in that region, Karelians maintaining their native language and culture represent a tiny minority of the population. Over the years, it has been thoroughly russified.

In Ukraine, mass graves and reports of widespread rape from areas liberated from Russian occupation should suffice to dispel the myth that Ukrainians welcome occupation or that Russians see Ukrainians as brothers. The fact that many people in eastern Ukraine speak Russian never made them Russian, just as English-speaking Irish citizens do not long to be governed by London. Eastern Ukraine was subject to a policy of russification under the Russian Empire and then under the Soviet Union, when many Russian workers were imported to the area.

But it should be clear to everyone now that the Ukrainian national identity cannot be easily suppressed, regardless of the language they speak at home. Still that does not stop Russians from trying. Thousands of Ukrainian children from Russian occupied areas in eastern Ukraine have been forcibly deported to Russia and adopted into Russian families. Members of the Putin regime talk openly about how these children came with pro-Ukrainian attitudes but have now been brainwashed to adopt pro-Russian sentiments. This alone meets the definition of genocide.

In Putin's 2007 Munich Security Conference speech, his critique of the United States included the assertion that we seek a unipolar world where we impose our values on others, and called for a multipolar world—in other words, one with different spheres of influence.

When Putin talks about countries like Ukraine and other formerly Russian dominated countries, it is clear that he sees them as either in his sphere of influence, or someone else's. Putin cannot accept that Ukrainians might want to leave behind the corrupt, Russian dominated post-Soviet system where oligarchs get rich and the average person's economic and political freedom are limited.

Putin talks about "NATO expansion" into the Baltics as though NATO is a rival empire. In reality, the Baltic countries begged to join NATO. And they were admitted at a time of naive optimism in the West that Russia was becoming a peaceful democracy. The Baltic countries are actually a useful case study to understand how many Russians think about their former imperial subject countries.

This month, Estonia and Lithuania celebrate the 106th anniversary of the birth of their republics in their current independent form. It is important to understand that the Baltic countries are historically Western in their culture and outlook. Like Ukraine, they experienced attempts at russification, during the Russian Empire and the Soviet Union, including importing of Russian-speaking workers, threatening their unique cultures and languages. After regaining their freedom from Soviet occupation in 1991, the Baltics quickly built thriving, free market democracies.

Given their history, it is natural that they sought to protect their way of life from Russian domination by joining

the most successful defensive alliance in history. Putin and many Russians speak with resentment about the Baltics. Their very existence as prosperous, Western-style free-market democracies not dependent on Russia politically or economically is clearly threatening.

Russian state media tries, absurdly, to convince Russians that their prosperity is due to development efforts under the Soviet occupation or that they are about to become failed states any day now. Many Russians are convinced that their joining NATO makes them U.S. puppets, reflecting the spheres of influence worldview.

Again, joining NATO was their fervent wish, not some policy of expansion for expansion's sake on the part of NATO, and their populations are some of the most pro-American anywhere in the world. Putin dismisses the wishes of his smaller neighbors as irrelevant to great power geopolitics. He thinks they are inevitably pawns to be bartered over by big empires. Given our origin as a tiny collection of Colonies seeking independence from a powerful empire, Americans ought to think differently.

Putin is threatened by NATO expansion not because he believes NATO countries might attack the Russian Federation. Our NATO allies bordering Russia did not host any long-term deployments of troops from other allies before Russia's 2014 invasion of Ukraine. Multiple NATO allies have since provided small rotational forces to our eastern flank allies intended to deter Russian aggression. Those forces have naturally grown since the full scale invasion of Ukraine in February. But, frankly, they are still insufficient to repel the kind of full-scale invasion we saw in Ukraine, much less pose any kind of threat to Russian territory.

Putin's military leaders, for all their mistakes in Ukraine, are not stupid. They do not see NATO as a military threat to current Russian territory. Rather, Putin sees NATO as a threat to his dream of reconstituting the Russian Empire. President Macron of France has suggested offering Putin security guarantees. That plays into Putin's false propaganda that he faces any kind of threat from NATO.

When Putin talks about security guarantees, he has made clear that he means a dismantling of NATO in areas he sees as his rightful sphere of influence, enabling him to bully them. Keep in mind that, when he invaded Ukraine initially in 2014, Ukraine was militarily neutral, but seeking closer economic relations with the European Union. In February 2014, months of popular protests by ordinary Ukrainians culminated in what Ukrainians call their "Revolution of Dignity." The Ukrainian President at the time yielded to pressure from Putin and refused to sign an association agreement with the European Union after it passed overwhelmingly in the Parliament.

The Ukrainian Parliament ultimately voted to remove the President.

He then fled to Russia, but not before violent confrontations between special riot police and protestors. Putin has falsely claimed this was a U.S.-sponsored coup rather than a grassroots rejecting of his meddling in Ukraine's sovereign affairs. Russia then invaded Eastern Ukraine and Crimea.

To be clear, the 2014 Russian invasion of Ukraine had nothing to do with NATO, the U.S., or any military threat to Russia. Rather, Ukraine's decision to seek closer economic ties to Europe threatened Putin's sense of entitlement to have Ukraine dominated by Russia.

Putin has said "true sovereignty of Ukraine is possible only in partnership with Russia." This reflects his notion that Ukraine can never be truly independent. In his mind, Ukraine is either in Russia's sphere of influence, which he sees as its natural state, or it is somehow controlled by shadowy Western forces. We should not fall into the same imperialistic trap of sidelining or minimizing the wishes of Ukrainians. President Biden has said, "nothing about Ukraine without Ukraine," and he must stick to that.

We must also be clear-eyed about what is and is not possible to negotiate with Putin. As I have said before, Putin only understands strength and weakness is provocative. As Ursula von der Leyen, the EU Commission President and former German Defense Minister under Angela Merkel said, "We should have listened to the voices inside our Union—in Poland, in the Baltics, and all across Central and Eastern Europe—they have been telling us for years that Putin would not stop."

President Biden should take that lesson to heart as well.

Estonian Prime Minister Kallas puts it this way: "History shows that appeasement only strengthens and encourages aggressors and that aggressors can be stopped only with force. As the prime minister of Estonia, a frontline NATO country that endured half a century of Soviet occupation, I know what peace on Russia's terms really means. Russian peace would not mean the end of suffering but rather more atrocities."

I wish it was possible to negotiate with Putin to put an end to Ukraine's suffering. But what he wants is domination of Ukraine, and that is not ours to offer.

We have only two options left. We could sit on the sidelines and watch Ukraine get slowly crushed, which would embolden Putin and open the possibility that he would eventually attack one of our allies. Or we can support Ukraine's victory and independence.

As I have said before, backing a Ukrainian victory comes with costs and risks. But the risks and costs of not stopping Putin now will be much higher. That makes repelling Russia's invasion of its sovereign neighbor in the U.S. national interest.

The Russian threat will not go away, so for our national interest and in the

interest of long term peace in Europe, supporting a decisive victory for Ukraine is the right thing to do.

ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY
COOPERATION AGENCY,
Washington, DC.

CHAIRMAN,
Committee on Foreign Relations, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-08, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of the Netherlands for defense articles and services estimated to cost \$670 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

JAMES A. HURSCHE,
Director.

Enclosures.

TRANSMITTAL NO. 23-08

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: The Government of the Netherlands.

(ii) Total Estimated Value:

Major Defense Equipment* \$520 million.

Other \$150 million.

Total \$670 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MOE):

Twenty (20) M142 High Mobility Artillery Rocket System (HIMARS) Launchers.

Thirty-nine (39) M30A2 Guided Multiple Launch Rocket System (GMLRS) Alternative Warhead (AW) Missile Pods with Insensitive Munitions Propulsion System (IMPS).

Thirty-eight (38) M31A2 GMLRS Unitary (GMLRS-U) High Explosive (HE) Missile Pods with IMPS.

Eighty (80) M57 Army Tactical Missile System (ATACMS) Missile Pods Seventeen (17) M1152A1 High Mobility Multipurpose Wheeled Vehicles (HMMWVs).

Non-MDE: Also included are M28A2 Reduced Range Practice Rocket (RRPR) pods; radios with similar "SINGARS" capability,

including vehicular dual long-range radio systems w/GPS; single radio, long range vehicular system w/GPS; High Frequency/VHF radios; M1084A2 cargo trucks, Family of Medium Tactical Vehicles (FMTVs) Resupply Vehicles (RSVs); M1089A2 wrecker truck, FMTVs; M1095 5-ton trailer FMTVs; Simple Key Loaders (SKLs), AN/PYQ-10; Defense Advanced Global Positioning System Receivers (DAGRs); machine gun mounts; battle management systems, Vehicle Integration Kits, ruggedized laptops, and training equipment publications for HIMARS and munitions; camouflage screen and support systems; support equipment; communications equipment; spare and repair parts; test sets; training and training equipment; publications; systems integration support; technical data; Stockpile Reliability, Quality Assurance and Technical Assistance teams; U.S. Government and contractor technical, engineering, and logistics support services; and other related elements of logistical and program support.

(iv) Military Department: Army (NE-B-Y AX).

(v) Prior Related Cases, if any: NE-B-PBM.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None known at this time.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: February 16, 2023.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

The Netherlands—M142 High Mobility Artillery Rocket System (HIMARS)

The Government of the Netherlands has requested to buy twenty (20) M142 High Mobility Artillery Rocket System (HIMARS) launchers; thirty-nine (39) M30A2 Guided Multiple Launch Rocket System (GMLRS) Alternative Warhead (AW) Missile Pods with Insensitive Munitions Propulsion System (IMPS); thirty-eight (38) M31A2 GMLRS Unitary (GMLRS-U) High Explosive (HE) Missile Pods with IMPS; eighty (80) M57 Army Tactical Missile System (ATACMS) Missile Pods; and seventeen (17) M1152A1 High Mobility Multipurpose Wheeled Vehicles (HMMWVs). Also included are M28A2 Reduced Range Practice Rocket (RRPR) pods; radios with similar "SINGARS" capability, including vehicular dual long-range radio systems w/GPS; single radio, long range vehicular system w/GPS; High Frequency/VHF radios; M1084A2 cargo trucks, Family of Medium Tactical Vehicles (FMTVs) Resupply Vehicles (RSVs); M1089A2 wrecker truck, FMTVs; M1095 5-ton trailer FMTVs; Simple Key Loaders (SKLs), AN/PYQ-10; Defense Advanced Global Positioning System Receivers (DAGRs); machine gun mounts; battle management systems, Vehicle Integration Kits, ruggedized laptops, and training equipment publications for HIMARS and munitions; camouflage screen and support systems; support equipment; communications equipment; spare and repair parts; test sets; training and training equipment; publications; systems integration support; technical data; Stockpile Reliability, Quality Assurance and Technical Assistance teams; U.S. Government and contractor technical, engineering, and logistics support services; and other related elements of logistical and program support. The total estimated cost is \$670 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO ally that is an important force for political stability and economic progress in Europe.

The proposed sale will improve the Netherlands' military goals of updating capability while further enhancing interoperability with the United States and other allies. The Netherlands intends to use these defense articles and services to modernize its armed forces and expand its capability to strengthen its homeland defense and deter regional threats. The Netherlands will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin, Grand Prairie, TX. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require U.S. Government or contractor representatives to travel to the Netherlands for program management reviews to support the program. Travel is expected to occur approximately twice per year as needed to support equipment fielding and training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 23-08

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(vii) Sensitivity of Technology

1. The M142 High Mobility Artillery Rocket System (HIMARS) is a C-130 transportable wheeled launcher mounted on a 5-ton Family of Medium Tactical Vehicles truck chassis. HIMARS is the modern Army-fielded version of the Multiple Launch Rocket System (MLRS) M270 launcher and can fire all of the MLRS Family of Munitions (FOM) including Guided Multiple Launch Rocket System (GMLRS) variants and the Army Tactical Missile System (ATACMS). Utilizing the MLRS FOM, the HIMARS can engage targets between 15 and 300 kilometers with GPS-aided precision accuracy.

2. The Guided Multiple Launch Rocket System (GMLRS) M31A2 Unitary is the Army's primary munition for units fielding the M142 HIMARS and M270A1 Multiple Launcher Rocket System (MLRS) Launchers. The M31 Unitary is a solid propellant artillery rocket that uses Global Positioning System/Precise Positioning Service (GPS/PPS)-aided inertial guidance to accurately and quickly deliver a single high-explosive blast fragmentation warhead to targets at ranges from 15-70 kilometers. The rockets are fired from a launch pod container that also serves as the storage and transportation container for the rockets. Each rocket pod holds six (6) total rockets.

3. The M30A2 GMLRS Alternative Warhead shares a greater than 90% commonality with the M31A1 Unitary. The primary difference between the GMLRS-U and GMLRS-AW is the replacement of the Unitary's high explosive warhead with a 200-pound fragmentation warhead of pre-formed tungsten penetrators which is optimized for effectiveness against large area and imprecisely located targets. The munitions otherwise share a common motor, GPS/PPS-aided inertial guidance and control system, fuzing mechanism, multi-option height of burst capability, and effective range of 15-70km.

4. The M57 Army Tactical Missile System (ATACMS)—Unitary is a conventional, semi-ballistic missile that utilizes a 500-pound high explosive warhead. It has an effective range of between 70 and 300 kilometers and has increased lethality and accuracy over previous versions of the ATACMS due to a GPS/Precise Position System (PPS) aided navigation system.

5. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.